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THE NORTHWESTERN BOUNDARY DISPUTE.*

THERE are few people in the United States who have known that, throughout the whole of the civil war, and since 1859, the British and American flags have both been flying on San Juan Island. This joint military occupation has been justly very odious to our Government, to the authorities of Washington Territory, and to the Americans on the disputed islands, and ought to be terminated at the earliest possible moment. There are one hundred and seventy square miles of area in the Archipelago de Haro, sixty of which are arable land and eighty grazing land. The United States should as speedily as possible be placed in full possession, the civil authorities be enabled to exercise therein their functions, and the land-laws be carried into effect. During the Rebellion the people of that frontier were urged to be quiet, and wait until the war was over, and the Government should be at leisure to assert our rights.

The language of the Treaty of 15th June, 1846, required that the boundary-line should run "along the 49th parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of said channel, and of Fuca's Straits, to the Pacific Ocean."

The English Government claims the Rosario Straits, the channel nearest the continent, as the boundary-line; we claim the Canal de Haro as the proper boundary.

That our claims to the Archipelago de Haro are of the most unmistakable character, abundantly appears to one

who will carefully read the Senate document named at the foot of this page, entitled "THE NORTHWESTERN BOUNDARY QUESTION," which contains a full statement of the whole matter. It begins with a letter of Mr. Seward, which says: "Every officer of this Government, who had any part in the negotiation, adoption, or ratification of the treaty, assented to it with the full understanding that the deflection of the boundary from the 49th parallel was consented to for the sole purpose of giving the whole of Vancouver's Island to Great Britain, and that, to effect this purpose, the line was to be carried through the Canal de Haro to the Straits of Fuca, on its way to the Pacific Ocean."

This document was prepared in the State Department, by Archibald Campbell, Esq., U. S. Boundary Commissioner, whose correspondence with Capt. J. C. Prevost, of the British navy, the English commissioner, is given at length. Mr. Cass, in his despatch of 20th Oct., 1859, to Mr. Dallas, very justly says that Mr. Campbell's "whole argument is marked both by ability and research." The entire document is drawn up in the most thorough and conscientious manner. It has, besides an excellent map of the region in dispute, a plate showing four cross-sections of the whole channel: 1st, along the 49th parallel; 2d, along the parallel of 48° 45'; 3d, along that of 48° 35'; 4th, along that of 48° 25'. It has, also, a complete physical and geographical description of the Archipelago de Haro, and each of the islands, and quotations from the reports of Gen. Persifer F. Smith and Gen. J. G. Totten, the late Chief of

* Senate Document No. 29, of 22d February, 1868, pp. 270.

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Engineers, showing the military value of these islands. The Boundary Survey had for astronomer, in running the 49th parallel, John G. Parke, then Lieutenant of Engineers, since distinguished as Major-General of Volunteers in every part of the field during the late war. The astronomer of the British Boundary Commission was Col. John S. Hawkins, of the Royal Engineers. The U. S. Coast Survey assisted materially in completing the survey and the excellent maps of the Archipelago de Haro.

We will endeavor to condense, into a few distinct heads, the principal points brought out in the argument on our side.

1st. The Canal de Haro is the shortest, deepest, and widest channel to connect the Gulf of Georgia with the Straits of Fuca. A glance at the cross-sections given in the plate referred to, will show that the main body of water goes through that channel to the ocean. It seems to be fair to assert that the treaty means that the line of deepest water (the *filum aque*) shall be the boundary-line. *The least depth in the Canal de Haro is greater than the maximum depth in the Rosario Straits* (see p. 129 of the Senate Document). The average cross-section throughout of the former will show that its surface is about three times that of the Rosario Straits.

2d. It appears that Lord Aberdeen, on the 18th of May, 1846, wrote to the British minister in Washington that his Government was ready to enter into a negotiation on the basis of "a boundary along the 49th parallel to the sea-coast, thence through the Straits of Fuca to the ocean, thus giving to Great Britain the whole of Vancouver's Island and its harbors." To interpret properly this language of Lord Aberdeen, the letter of Mr. Edward Everett to Mr. Campbell, of 29th May, 1858, should be read, which shows that, from the correspondence of Joshua Bates, there is evidence that Lord Aberdeen's attention had been called (by the pamphlet of William Sturgis) to the distinct proposition of yielding all the other islands, except Vancouver's Island, to

the United States. Mr. Sturgis, in his lecture delivered on 22d Jan., 1845, before the Mercantile Library Association in Boston, proposed "a continuation of the parallel of 49° across the Rocky Mountains to tide-water, say to the middle of the Gulf of Georgia; thence by the northernmost navigable passage (not north of 49°) to the Straits of Fuca, and down the middle of these Straits to the Pacific Ocean; the navigation of the Gulf of Georgia and the Straits of Juan de Fuca to be forever free to both parties, *all the islands and other territory lying south and east of this line to belong to the United States*, and all north and west to Great Britain. Will Great Britain accede to this? I think she will." Mr. Bates afterward wrote to Mr. Everett that Lord Aberdeen had said to him that he considered Mr. Sturgis' pamphlet "a fair, practicable, and sensible view of the subject," and that it had been read by all the ministers. We think it a very fair inference that Lord Aberdeen purposed in the treaty to carry out this identical programme.

3d. Hon. Louis McLane, our minister to England, on the 18th May, 1846, wrote to Mr. Buchanan that an arrangement could be made by making the boundary along the 49th parallel to the sea, and thence through the Canal de Haro and Straits of Fuca to the ocean.

4th. It appears plainly that our Senate, at the date of the confirmation of the treaty of 1846, understood distinctly that the Canal de Haro was the boundary-line. See the speeches of Mr. Benton and Mr. Cass, as quoted in this correspondence.

5th. Islands appertain rather to the continent than to another island. Such has been the principle of the Laws of Nations, and it has been recognized in discussions with some of the Governments of South America concerning islands near the coast.

6th. The Islands of the Archipelago de Haro are more important to us than they possibly can be to England—a fact very clearly set forth by General Totten in the report above referred to. Eng-

land has, in the first-class harbor of Esquimalt, on Vancouver's Island, all that can be wanted for military or commercial purposes, whereas the United States needs that Archipelago as a military and naval station, to protect the whole of Puget's Sound. All of our possessions, in that quarter, are frowned down upon by Vancouver's Island, and Mr. Polk's cry of "54° 40' or fight," appeared to indicate at least a clear appreciation of our wants in that quarter: we say it *appeared* to indicate such an appreciation, for he ought certainly to have insisted to the end on our retention of Vancouver's Island. It is believed that it could then have been easily obtained.

7th. Any one who carefully reads the correspondence will be convinced that this claim was an after-thought. This view is strikingly confirmed on reading the memorandum of Mr. Packenham, the British negotiator, who admits (p. 224) that he cannot call to mind any circumstance of the negotiation "to strengthen or invalidate the pretension now put forward by the United States." This is quoted by Lord Russell, in his despatch of 24th August, 1859, to Lord Lyons. That, at the end of thirteen years, he could recall nothing to invalidate our claim, is very significant. It is plain, from Mr. Bancroft's letter of 29th March, 1847, to Mr. Buchanan, that the British claim to the Haro Archipelago originated with the Hudson's Bay Company.

The above closes our resumé of the principal points brought forward in the correspondence; but we must add a few words concerning the military occupation of San Juan, which caused the incorporation in this report of the whole of Senate Document of Jan. 30, 1860, setting forth the causes and results of General Scott's visit to Puget's Sound in 1859. This covers seventy-four pages of Document No. 29. The joint occupation was established by General Scott, after General Harney had, without a particle of authority, attempted to embroil the two nations, not on the main question of the boundary-line, but on

quite another, viz., whether he should be justified in taking exclusive possession of the islands pending the action of the two commissioners then on the ground for the purpose of deciding the boundary-line. This exclusive possession he continued, notwithstanding the language of Mr. Marcy, in his letter of 17th July, 1855, to Mr. Crampton, which expressly provided that, pending the running of the boundary, neither party "should exclude the other by force, or exercise complete and exclusive sovereign rights within the disputed limits." We have avoided calling this the "San Juan Question," as that might be misunderstood as referring to the action of Harney, and not to the northwestern boundary dispute. His action only obscured the main question, and kept our Government busy for a twelvemonth in clearing away the smoke thus raised. And it led to the joint military occupation instituted by General Scott, which does not appear to have hastened the settlement of the question.

The briefest notice of this correspondence requires an allusion to two things in the language of the British negotiators. Whereas our commissioner was simply instructed to carry out the treaty and run the boundary-line, Captain Prevost's powers were limited, and he was instructed, under any circumstances, not to surrender San Juan. Lord Russell, in his letter to Lord Lyons of the 24th August, 1859, indicates a similar ultimatum. There is a small intermediate channel leaving San Juan on the west, and Lopez and Orcas Islands on the east, and they would fain persuade us into accepting it, though plainly not answering the requirements of the treaty, and though its acceptance would imply that neither party was right in the controversy. As introductory to proposing this solution (which should be unsatisfactory to either party), Lord Russell said, "No settlement of the question will be accepted by Her Majesty's Government which does not provide for the Island of San Juan being reserved to the British Crown." So, forsooth, the only possible solution of the San Juan

Question which could be made must be our surrender of San Juan!

We have read with great satisfaction the reply of Mr. Cass, in his letter of 20th Oct., 1859, to Mr. Dallas, in which he says: "If this declaration is to be insisted on, it must terminate the negotiation at its threshold, because this Government can permit itself to enter into no discussion with that of Great Britain, or any other power, except upon terms of perfect equality."

On the 12th Dec., 1857, Mr. Campbell applied to Captain Prevost for a full copy of his instructions. Not until the 22d Feb., 1859, did Lord Malmesbury, then in the foreign office, furnish Mr. Dallas a copy of that portion of the instructions, by which it appeared that, on the 20th Dec., 1856, the British commissioner, in his original instructions, was directed to insist on an "intermediate channel;" and, if he could not obtain the adoption of that, must propose to refer the question back to the respective governments. The same scheme is again indicated in August, 1859, by Lord Russell. And we venture to say that a persistent effort, on the part of England, to obtain the same "intermediate channel," is discernible throughout the recent negotiations with the Hon. Reverdy Johnson.

It will not be out of place here to make a reference to the steady policy of Great Britain to acquire all over the globe commanding positions--capcs, headlands, and harbors, which may control the commerce of the world. It is true that the wars with Napoleon led to the acquirement of many of them, as in the case of Malta and Mauritius. Thus the maritime ascendancy of England was only promoted by those wars, early in this century, giving cause and opportunity for the seizure of important positions.

Without any very thorough search for such a list, we will name Aden, Singapore, Ceylon, Hong Kong, Cape of Good Hope, Falkland Islands, St. Helena, Sierra Leone, Heligoland, the Channel Islands, New Zealand, the West Indian Islands, Bermuda, Van-

couver's Island, Newfoundland, Cape Breton.

To these should be added India, Burmah, Australia, British Columbia, and the Canadas; but these acquisitions are continental, and belong not to the class of commanding military and naval positions to which we have referred. It is true that in some of these countries, as in India, it is claimed that England seeks only commercial ascendancy and not territorial additions; but the distinction is a very refined one, and, practically, India is British territory.

Now, however ready we are to rejoice that the British power, the Anglo-Saxon race, and the English language should be extended to such regions as Australia and New Zealand, yet it will not be wise for statesmen or diplomatists to forget or ignore this appetite of the British Lion to absorb commanding military positions whenever the chance is offered. We wish the utmost success to every legitimate scheme for the prosperity of those dominions. The motherland has an irresistible claim on our kindred sympathies when she promotes the spread of civilization and Christianity, upon which subject it was right and natural for Mr. Reverdy Johnson to descant. Kossuth was in the habit of often saying, "the solidarity of nations,"—meaning that all nations are bound together "with mutual responsibility, each for all," with joint interest and fellowship; or are, in sailor phrase, "all on the same bottom," to use the expressive words of Dr. Trench. It is true that our common humanity "makes the whole world kin;" that the best rivalry and highest ambition should be to do the utmost to advance the welfare and improvement of the whole human family; but while we would freely admit that we are susceptible to all the enkindling emotions which such cosmopolitan views excite, it is, in practical life, necessary to treat nations and governments as we find them. There is deep wisdom as well as great pathos in that passage of the farewell address of Washington, in which he was forced to a like conclusion: "It will be wor-

thy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence.

The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it to be rendered impossible by its vices?"

From Mr. Bancroft's letter of the 29th March, 1847, to Mr. Buchanan, it should seem that he, at that early date, had intimations that the Hudson's Bay Company wished to get some of the islands in the Archipelago de Haro. The first development of the claim occurred when our tax-gatherers levied a tax on some sheep of the Hudson's Bay Company, on San Juan Island, in 1855. The Company attempted to evade the payment of said tax, and the sheriff of Washington Territory seized some of the sheep, and sold them to meet the tax.

In 1858, Dickens, in the "Household Words," said that the Government of Great Britain should "make of one of these islands a second Cronstadt, thus securing, as with a padlock, her possessions on the Pacific coast." A "second Cronstadt" would have been a more appropriate name for San Juan than a second Cronstadt. It is a commanding position, like Malta, but does not command the channel. Neither Malta nor Gibraltar command the channels in their vicinity, but they are favorably situated to assist in guarding commercial interests. Such is the situation of San Juan Island, as ably set forth by General Totten. It is not needed by England, which has Esquimalt opposite, as we have above explained. Esquimalt, indeed, has been for twelve years a large naval station for the British navy, and they need no other or better in that region. But we do need San Juan Island and the Archipelago de Haro, as an offset to the preponderant and threatening vicinity of Vancouver's Island. And the completion of the Northern Pacific Railroad to Puget's Sound will make this fact every day more and more evident to our people.

This brings us to allude to the treaty now before the Senate, negotiated by Mr. Reverdy Johnson, which proposes to submit this question to arbitration, the President of the Swiss Confederation to be the arbiter. "All correspondence, documents, maps, surveys, &c., relating to the subject, shall be placed at his disposal within twelve months after the ratification of the treaty. The referee is to endeavor to deduce the precise line of boundary from the words of the treaty of 1846; but, if unable to do so, he is at liberty to determine upon some line which will, in his opinion, furnish an equitable solution of the difficulty, and be the nearest approximation that can be made to an accurate construction thereof." His "decision to be final and conclusive, and carried into immediate effect."

At the last session of Congress, the Senate, we think, wisely declined to ratify this treaty. It is said that an able speech against it was made by the Hon. Jacob N. Howard, Senator from Michigan.* We hope that, when the Senate again assembles, this treaty will be definitely rejected. We believe that the whole scope and effect of the provision above quoted would be to invite and lead to a compromise channel, and there are ample reasons why any such result should be resisted. We believe that, if Mr. Sumner had seriously taken hold of this question, he would have found at least equal ground for the rejection of this treaty as for that respecting the Alabama claims. Whatever respect we may have for the motives of Mr. Reverdy Johnson, it is apparent that, in the negotiation of this treaty, he was insensibly led to the use of phraseology calculated to prejudice our claims in this boundary question. We believe that it can be settled without arbitration, and that the British Government will yield to us the Canal de Haro as the boundary.

* Since writing the above we have seen the speech of Senator Howard, the injunction of secrecy having been removed. It is a full and forcible argument against the ratification of the treaty. It presents many of the points we have given above in favor of our claims in this controversy.

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Our people have been averse to arbitrations ever since an attempt was made, thirty years ago, to settle the Northeastern Boundary Question by its submission to the arbitration of the King of the Netherlands. It was time wasted; for, as he attempted to decide nothing, but proposed to run a line half-way between the two, "splitting the difference," our Government (which had reserved that privilege) refused to consent to his proposition.

It is asking a great deal of us to propose to submit such a question as our Northwestern Boundary to arbitration. Our claims are of so clear and positive a character that it must be very hard for one familiar with them to consent to such a process. And we do not wonder that the people of Washington Territory have sent the protest against arbitration, presented to the Senate on the 19th Jan., 1869, by Senator Corbett.

We wish to speak with entire respect of the British Government, which seems desirous to close up the topics of difference between the two Governments. But it does not require a remembrance of the doctrine of total de-

pravity; it only requires a wholesome recurrence to poor human nature as it is, and to the spirit of encroachment which powerful nations too often adopt, to place us on our guard.

This is a claim concerning which Mr. Bancroft, in his letter of the 15th June, 1858, to Mr. Campbell, said, "It should be met at the outset as one too preposterous to be entertained." Again, "The Hudson's Bay Company may naturally enough covet the group of islands east of that channel, but the desire, which can never amount to a claim, should not be listened to for a moment."

Diplomacy has examples in which a claimant, whose side is weakest, whose cause is unsubstantial, finally gets a slice by mere perseverance, by the mere process of raising the smoke of contest. It will readily be seen that such results would not be very satisfactory and statesmanlike, and would not promote the cause of permanent peace. The refined civilization of the age would seek an adjustment founded on justice, and not one of a hollow character—a Banquo's ghost to haunt the diplomacy of the future.